

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

PACKAGING COMPRISING A CONTAINER AND A MEMBRANE

and for which a patent application:

- ☐ is attached hereto and includes amendment(s) filed on _____ (if applicable)
- ☒ was filed in the United States on February 20, 2004 as Application No. 10/784,034 (declaration not accompanying application) with amendment(s) filed on _____ (if applicable)
- ☐ was filed as PCT international Application No. _____ on _____ and was amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
00126269.0	Europe	December 1, 2000	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO


I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
PCT/EP01/14186	November 28, 2001		X	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME SERVAUX	FIRST NAME Jean	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY La Tour-de-Peliz	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP France	
	POST OFFICE ADDRESS	STREET Avenue de Sully, 92	CITY La Tour-de-Peliz	STATE OR COUNTRY Switzerland	ZIP CODE CH-1814
SIGNATURE OF ATTORNEY OF RECORD					
				DATE 12/14/04	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jean SERVAUX

Confirmation No.: 1732

Application No.: 10/784,034

Group Art Unit: 3727

Filing Date: February 20, 2004

For: PACKAGING COMPRISING A
CONTAINER AND A MEMBRANE

Attorney Docket No.: 88265-68601

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

NESTEC S.A., a corporation located at Avenue Nestlé 55, 1800 Vevey, Switzerland, states that it is owner of the entire right, title, and interest in the patent application identified above by virtue of the inventor's employment with Nestec S.A., as evidenced by the inventor's Employment Agreement with Nestec S.A., Vevey, Switzerland. A copy of the Employment Agreement is attached.

To the best knowledge of the undersigned, title is in Nestec S.A., the party seeking to take action in this application, and that she is empowered to act on its behalf. Accordingly, NESTEC S.A. has the right to prosecute the above-identified application as a 37 C.F.R. § 1.47(b) applicant.

Respectfully submitted,

Paula Nelson, Vice President

13 DEC 2004

Date

Nestec S.A.
Avenue Nestlé 55
1800 Vevey
Switzerland



Express Mail No. EV 346 812 255US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**STATEMENT SHOWING PROPRIETARY INTEREST
UNDER MPEP § 409.03(b) AND § 409.03(f)**

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with MPEP § 409.03(b) and § 409.03(f), this statement is submitted as a proof of proprietary interest of the 37 C.F.R. § 1.47(b) applicant of the subject application.

As shown in the attached Employment Agreement, Jean SERVAUX, the inventor of this application, has been in employment of Nestec S.A. since January 4, 1972, and, as an employee, he is obligated, under Swiss law, to assign to Nestec S.A. all inventions made during his employment. Accordingly, Nestec S.A. has a proprietary interest in all inventions made during the inventor's employment, including the invention claimed in the subject application.

I hereby state that I have the firsthand knowledge of the fact that the invention claimed in the subject application was made by the inventor while employed by Nestec S.A. I hereby state that Nestec S.A. therefore has a proprietary interest in this application as a 37 C.F.R. § 1.47(b) applicant.

Respectfully submitted,

13 DEC 2004

Date

Alain Thomas

NESTEC S.A.
Avenue Nestlé 55
1800 Vevey
Switzerland